IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2829 OF 2005.

The State of Maharashtra. ... Applicant.

Versus.

Lalchand Baban Somane and ors. ... Respondents.

Shri A.S.Shitole, A.P.P. for the Applicant.

Shri B.V.Lad for the Respondents Nos.1 to 4.

CORAM : ABHAY S.OKA, J.

DATED : 20th December, 2006.

P.C.:

1. Heard the learned A.P.P. in support of the Application for leave. The acquittal of the Respondent is for offences punishable under sections 452, 324, 323, 504, 506 read with section 34 of the Indian Penal Code. I have perused the notes of evidence and the impugned Judgment and order. Apart from the fact that the injured person, viz. Anusayabai is not examined by the prosecution, the learned trial Judge has found that the alleged recovery of the weapon of offence was doubtful. The learned Judge has noted that the memorandum as required by section 27 of the Indian Evidence Act, 1872 was not at all recorded.

2. I find that no case is made out for grant of leave. Application is rejected.

Judge.